

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

No. 1:21-cv-00398-LJV-JJM

Plaintiff,

NOTICE OF MOTION

-v-

PAOLO PROVENZI, IKONICK COLLECTION
LTD, and MOHAMMED ALSALOUSSI,

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Adam Michael Levy dated June 13, 2024, upon the record in this case, and upon all prior proceedings had herein, Defendant/Cross-Claimant/Counterclaimant Paolo Provenzi, by and through his attorneys, Cinotti LLP, will move this Court located at 2 Niagara Square, Buffalo, New York, before the Hon. Jeremiah J. McCarthy, United States Magistrate Judge, pursuant to Fed. R. Civ. P. 55(b)(2), Rule 55(b) of the Local Rules of Civil Procedure for the Western District of New York, the Court's individual practices and the directives/Orders made in these proceedings, for default judgment against defendant Ikonick Collection Ltd:

- i) On the First Counterclaim and Cross-Claim set forth in Provenzi's Answer with Counterclaims and Cross-Claims herein dated April 7, 2021 (the "Provenzi Answer"), granting to Provenzi the immediate return of exclusive possession, custody and control over the vehicle identified in the Interpleader Complaint dated March 17, 2021, (the "Interpleader Complaint") of the Plaintiff herein, United States of America ("Plaintiff"), as a 1996 Ferrari F130bd, a/k/a Ferrari F50 Chassis with Vehicle Identification Number ZFFTA46B000105810 (the "Ferrari"), and directing all parties to turn over the Vehicle to Provenzi;
- ii) On the Second Counterclaim and Cross-Claim set forth in the Provenzi Answer, a declaration pursuant to Fed.R.Civ.Pro. § 57:
 - (a) Declaring Provenzi to be the sole and exclusive owner of all right, title and interest in and to the Vehicle;
 - (b) Declaring and holding that defendant Ikonick Collection Ltd. ("Ikonick"), its agents, representatives, employees, heirs, predecessors, successors, assigns and

attorneys, and all other persons except for Provenzi, are forever barred of and from any claim or interest, ownership, possessory or otherwise, in or to the Vehicle;

- (c) Permanently enjoining Ikonick, along with its agents, representatives, employees, heirs, predecessors, successors, assigns and attorneys, of and from transferring, hypothecating, assigning, pledging or taking any action which would encumber or affect in any manner Provenzi's interest in the Vehicle;
- (d) In the event Ikonick, its agents, representatives, employees, heirs, predecessors, successors, assigns and attorneys, has obtained, or currently maintain, possession, custody or control of the Vehicle, directing it to immediately surrender and deliver the Vehicle to Provenzi; and
- (e) To the extent there are any declarations not expressly requested above regarding the rights and obligations of the parties that are necessary for a complete resolution of the relief requested herein, declaring that they be made in Provenzi's favor and against Ikonick;

iii) Dismissing in their entirety Ikonick's "Claim to Property" and "Cross-Claims" as set forth in the "Answer, Claim to Property, and Cross-Claims of Defendants Ikonick Collection Ltd., and Mohammed Alsaloussi" dated April 7, 2021; and

iv) Granting Provenzi such other and further relief as this Court deems just and proper.

TAKE FURTHER NOTICE that any responsive or answering papers to this Motion must be served in the manner and time required by the Federal Rules of Civil Procedure and the applicable Local Rules of this Court.

Dated: New York, New York
June 13, 2024

CINOTTI LLP
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Cross-Claimant Paolo Provenzi*

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